IN RE: PETITION FOR VARIANCE
S/S Jerome Jay Drive, 1,439' NW
centerline of Laurelford Court
8th Election District
3rd Councilmanic District

(13026 Jerome Jay Drive)

George W. Duncan Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-181-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, George W. Duncan. The Petitioner is requesting a special hearing for property he owns at 13026 Jerome Jay Drive. The subject property is split-zoned R.C.4 and R.C.5. The special hearing request is for the following:

- (1) A modification of the "2nd Amended Partial Development Plan 'Ivy Hill' Section 5" to permit the proposed home on Lot No. 40 to be located within the R.C.4 zoned portion of the property with portions of the septic reserve and driveway serving those improvements to be located on both the R.C.4 and R.C.5 portions of the subject property;
- (2) the proposed improvements for the subject property as depicted on the Plan to accompany this Petition;
- (3) a modification of the previously delineated and recorded building restriction line as shown on the Plan to accompany this Petition; and
- (4) such further relief as may be necessary for approval of the proposed improvements shown on the Plan to accompany this Petition.

Appearing at the hearing on behalf of the special hearing request were Dr. George W. Duncan, owner of the property, James D. Grammer, a representative of McKee & Associates, the engineers who prepared the site plan of the property and Howard L. Alderman, Jr., attorney at law, representing the Petitioner. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request. Consists of 2.83 acres, more or less, the majority of which is zoned R.C.4 with a smaller portion zoned R.C.5. The subject property is located on the south side of Jerome Jay



Drive and is known as Lot No. 40 of the "Ivy Hill" subdivision. The subject property is unimproved at this time. The special hearing request results from a change in zoning that has occurred since the time that the development plan of this property was approved. The zoning line has shifted somewhat which has caused the subject property to be undevelopable with a single-family dwelling in its current condition. Therefore, the special hearing request is an attempt to gain relief which will allow Dr. Duncan to construct the single-family dwelling on the property as is shown on the site plan submitted. Dr. Duncan has owned the subject lot since it was originally approved and the granting of the special hearing request will not result in any increase in density.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted to allow the Petitioner's request. The relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of January, 2002, that the Petitioner's request for special hearing for: (1) modification of the "2nd Amended Partial Development Plan 'Ivy Hill' Section 5" to permit the proposed home on Lot No. 40 to be located within the R.C.4 zoned portion of the property with portions of the septic reserve and driveway serving those improvements to be located on both the R.C.4 and R.C.5 portions of the subject property; (2) the proposed improvements for the subject property as depicted on the Plan to accompany this Petition; (3) a modification of the previously

delineated and recorded building restriction line as shown on the Plan to accompany this Petition; and (4) such further relief as may be necessary for approval of the proposed improvements shown on the Plan to accompany this Petition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 9, 2002

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 02-181-SPH

> > Property: 13026 Jerome Jay Drive

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Mr. George W. Duncan 310 Hopkins Road Baltimore, MD 21212 James Grammer, P.E. McKee & Associates, Inc. Five Shawan Road Hunt Valley, MD 21030



Contract Purchaser/Lessee:

ase No. 02-181-SPH

EV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 13026 Jerome Jay Drive which is presently zoned RC-4 & RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _

UNAVAILABLE FOR HEARING

GEORGE W. DUNCAN Name - Type or Print Name - Type or Print Signature Signature Geórge W. Dunar Address Telephone No. City State Zip Code Signature 310 Hopkin's Attorney For Petitioner: 410-828-6929 Address Telephone No. Howard L. Alderman, Jr., Esquire Baltimore, MD City Representative to be Contacted: Levin & Gann, PA Nottingham Centre, 8th Floor Mr. James Grammer, McKee & Associates, Inc. Name 502 Washington Avenue 410-321-0600 Five Shawan Road 410-527-1555 Telephone No. Address Telephone No. Address Hunt Valley, MD 21030 Towson, MD 21204 Zip Code State Zip Code

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 07-181- SPA

Address:

13026 Jerome Jay Way

Legal Owners: George W. Duncan

Present Zoning:

RC-4 & RC-5

REQUESTED RELIEF:

"why the Zoning Commissioner should approve" on a split-zoned lot the following: [1] modification of the "2nd Amended Partial Development Plan 'Ivy Hill' Section 5" to permit the proposed home on Lot No. 40 to be located within the RC-4 zoned portion of the property with portions of the septic reserve and driveway serving those improvements to be located on both the RC-4 and RC-5 portions of the subject property; [2] the proposed improvements for the subject property as depicted on the Plan to Accompany this Petition; [3] a modification of the previously delineated and recorded building restriction line as shown on the Plan to Accompany this Petition; and such further relief as may be necessary for approval of the proposed improvements shown on the Plan to accompany this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com Engineering • Surveying • Environmental Planning Real Estate Development

September 1, 2001

Zoning Description 13026 Jerome Jay Drive 8th Election District Baltimore County, Maryland

Beginning at a point on the south side of Jerome Jay Drive, which is 50 feet wide at a distance of 1439 feet northwest of the centerline of Laurelford Court, which is 50 feet wide. Being lot 40, Section Five, Plat 2, IVY HILL. As recorded in Baltimore County Plat Book 57, folio 5. Containing 123,647.61 square feet or 2.8385 acres, more or less. Also known as 13026 Jerome Jay Drive and located in the 8th Election District, 3rd Councilmanic District.



02-181-SPH

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PAID RECEIPT PROMENT ACTUAL TIME
DATE 1//5/01 ACCOUNT 1001-006-6/50 AMOUNT \$ 50.60	1/05/2001 11/05/2001 10:52:15 REI WSOS CASHIER REOS LAD DRIMER >HELEIPT H 221298 Devt
RECEIVED GEORGE Duncan	Recpt Tot 50. 50.00 CK .00 Baltimore County, Waryland
FOR: Special Hearing	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

GFLH

50.00 .00 (7)

NOTICE OF ZONING HEARING

, <u>.</u> .

NOTICE OF ZONING HEARING.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows.

Case: #02-181-SPH
3026 Jerome Jay Drive, 1,439' NW centerline Laurelford 8th Election District - 3rd Councilmanic District Legal Owner(s): George W. Duncan Special Hearing: to permit modification of the 2nd amended Partial Development Plan "kvy Hill" to permit the proposed home on Lot #40, to be located in the RC-4 zoned portion of the lot and portions of the septic reserve and driveway and other improvements, also a modification of the building restriction line; Hearing: Tuesday, January 8, 2002 at 10:09 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

Contact the Zoning Review Office at (410) 887-3391.

2/156 Dec. 20

CERTIFICATE OF PUBLICATION

12/20/,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1220,2001.
☑ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News,
J. Wilkinson
LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For News	oaper Adverti	sing:	
Item Numb	er or Case Nu	mber: 02 /8/ SPH	
Petitioner:	George Dur	ncan, MD	
Address of	r Location:	13026 Jerome Jay Drive	
	ORWARD AD	VERTISING BILL TO: can, MD	
		310 Hopkins Road	•
	E	Baltimore, MD 21212	
-			
Telephone	Number:	410-828-6929	

TO: PATUXENT PUBLISHING COMPANY

Thursday, December 20, 2001 Issue - Jeffersonian

Please forward billing to:

George Duncan MD 310 Hopkins Road Baltimore MD 21212 410 828-6929

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-181-SPH

13026 Jerôme Jay Drive

S/S Jerome Jay Drive, 1,439' NW centerline Laurelford

8th Election District – 3rd Councilmanic District

Legal Owner: George W Duncan

<u>Special Hearing</u> to permit modification of the 2nd amended Partial Development Plan "Ivy Hill" to permit the proposed home on Lot #40, to be located in the RC-4 zoned portion of the lot and portions of the septic reserve and driveway and other improvements, also a modification of the building restriction line.

HEARING:

Tuesday, January 8, 2002 at 10:00 a.m. in Room 407, County Courts

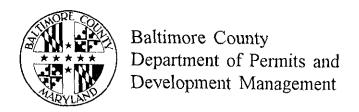
Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

December 12, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-181-SPH

13026 Jerome Jay Drive

S/S Jerome Jay Drive, 1,439' NW centerline Laurelford

8th Election District – 3rd Councilmanic District

Legal Owner: George W Duncan

<u>Special Hearing</u> to permit modification of the 2nd amended Partial Development Plan "Ivy Hill" to permit the proposed home on Lot #40, to be located in the RC-4 zoned portion of the lot and portions of the septic reserve and driveway and other improvements, also a modification of the building restriction line.

HEARING: Tuesday, January 8, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GD2

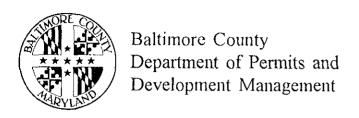
Director

C: Howard L Alderman Jr Esquire, Levin & Gann, Nottingham Centre, 8th Floor, 502 Washington Avenue, Towson 21204 George W Duncan, 310 Hopkins Road, Baltimore 21212 James Grammer, McKee & Associates Inc, 5 Shawan Road, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 24, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 4, 2002

Howard L Alderman Jr Esquire Levin & Gann Nottingham Centre, 8th Floor 502 Washington Avenue Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 02-181-SPH, 13026 Jerome Jay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 5, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richard, Jr.

W. Carl Richards, Jr. 652 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: George W Duncan, 310 Hopkins Road, Baltimore 21212 James Grammer, McKee & Associates Inc, 5 Shawan Road, Hunt Valley 21030 People's Counsel

Sh 1/8

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 26, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 10, 2001

Item Nos. 176, 177, 178, 179, 184, 185, 186, 187, 188, 189, 193, 190, 191, 193, 194, 195, 196, 197, 198, 199, and

223

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 180, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 195, 198, 199, 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd G. Taylor

DATE:

1/07/02

SUBJECT:

Zoning Item 181

Address

13026 Jerome Jay Drive

Zoning Advisory Committee Meeting of 12/03/01

Ground Water Management Comments:

Additional soil evaluation may be required prior to approval of the septic reserve area.

Reviewer:

Sue Farinetti

Date: 12/14/01

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd G. Taylor 767

DATE:

January 17, 2002

SUBJECT:

Zoning Item 181

Address

13026 Jerome Jay Drive

Zoning Advisory Committee Meeting of 12/3/01

AGRICULTURAL PRESERVATION

Since the purpose of RC-4 is to protest water quality reservoirs, I recommend that the condition of approval be that the remainder of RC-4 area outside of the envelop for the pool be restricted in order to maintain natural vegetation and preclude further clearing (BC2R standards restricting clearing to 25%).

Reviewer: Wally Lippincott Date: 1/9/02

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 12, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-178, 02-181, 02-185, 02-187, 02-192, 02-193, 02-198, & 02-199

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Administrator

12.11.01 Date:

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No.

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Doelle

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 13026 Jerome Jay Drive, S/S Jerome Jay Dr, 1439' NW of c/l Laurelford 8th Election District, 3rd Councilmanic

Legal Owner: George W. Duncan Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 02-181-SPH

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

20 44

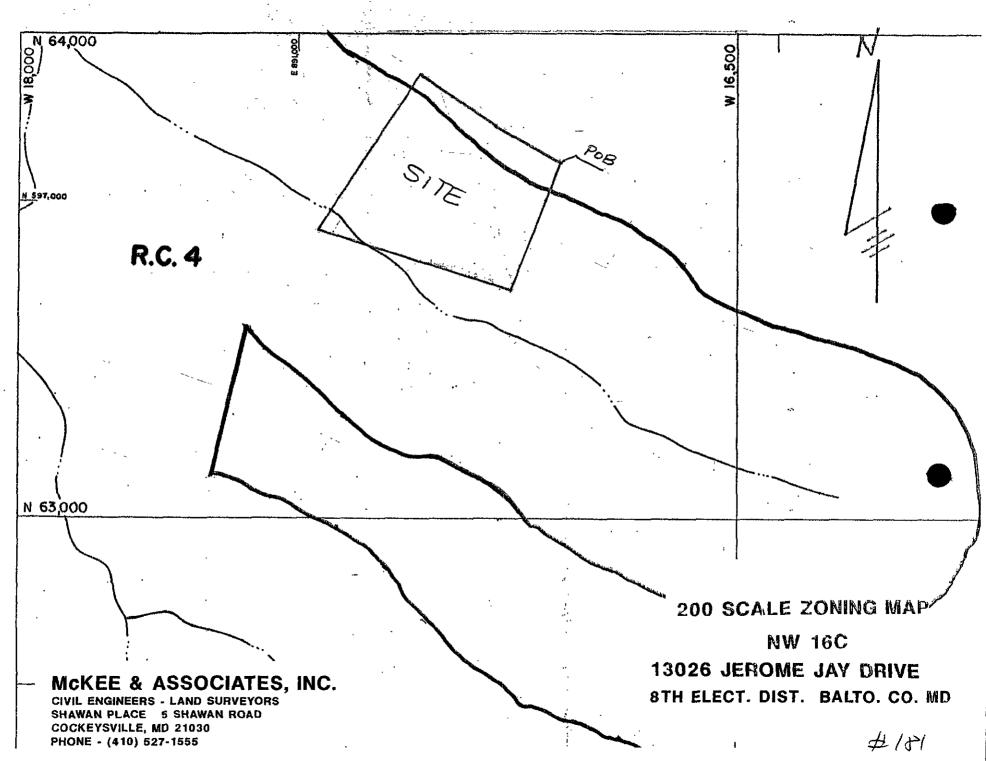
I HEREBY CERTIFY that on this 19th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

CASE	NAIVIE	Dun	CAN	PROP	ENTY
CASE	NUMB	ER_	02-	181 -	SPH
DATE	18	JA	Vo:	2	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr.	LEVIN & GANN, PA, Nottingham Centre 8th Floor, 502 Washington Avenue MCKEE & ASSOCIATES, INC 5 SHAWAN KD, SWIEL 34030 310 Hopking RL. Balto M21212	halderman@LevinGann.com	
JAMES D. GRAMMER	5 SHAWAN ED SMITE! 21030	COCKEYSVILLE, MO 21030	1
George W. Duncan	310 Hopking Rd. Balto Md21212		
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